

APPROVED MINUTES

RI STATE PILOTAGE COMMISSION MEETING

September 6, 2012

held at 235 Promenade Street, Room 250

Providence, Rhode Island 02908

MEMBERS IN ATTENDANCE:

Capt. E. Howard McVay Jr., Chair

Capt. Peter Fritz, Member

Chief Steve Hall, Member

EXCUSED FROM ATTENDANCE:

Larry Mouradjian, Member

OTHERS IN ATTENDANCE:

Atty. Gary Powers, Legal Counsel

Joanne Scorpio, Recording Secretary

Tom Sullivan, Moran Ship. Agencies

Capt. Patrick Donovan, Apprentice Pilot

I. REVIEW OF PREVIOUS MEETING MINUTES:

Quorum being present, the chair called the meeting to order at approximately 9:30 a.m. Commissioners reviewed the June 7, 2012 minutes. Member Chief Hall made a motion to approve the minutes; Member Capt. Fritz seconded the motion. The minutes were approved by assent.

II. OLD BUSINESS:

1) Continued discussions of RI Pilotage Statutes - Members continued discussions to make revision on the following statutes:

§46-9-22.1 – Grounds for minor disciplinary action: No action will be taken.

§46-9-22.2 – Chemical test – Consent - Administration - Use as evidence - Refusal to submit: Chair McVay stated that the law may have a contradiction. He also stated that there is some confusion with the Commission's authority to request a test and the amount of blood alcohol content with state limits vs. federal limits (.04). Atty. Powers discussed establishing a three-state policy (Ct, RI, MA) that would supersede the current law. Discussions will continue in upcoming meetings. Member Chief Hall made a motion to present §46-9-22.2 at the next public hearing. Capt. Fritz seconded the motion. Voted 2-0 in favor.

§46-9-23 - Contest – Notice and opportunity to be heard: Commissioners will begin discussions at next meeting.

2) Impact/Review of America's Cup, Tall Ships, Bermuda Race: Tom Sullivan advised the commissioners that he will update the members at the October meeting.

3) Capt. Donovan's exam review and swearing in ceremony: Chair McVay advised the members that on June 29, 2012, both he and Capt. Fritz administered Capt. Donovan the Block Island Sound apprentice exam. McVay further stated that as a result of Capt. Donovan's exam, he was approved for a probationary class state pilot license. Capt. Fritz made a motion for the commission to issue Capt. Donovan his probationary pilot license for Block Island Sound. Voted 2-0 in favor. Capt. Donovan was later sworn-in which was presided over by Atty. Powers.

4) State Pilot Board quarterly report: Chair McVay advised that he will be getting a report from Capt. Kirby and will have that for the next monthly meeting. The report will contain an update on the probationary pilot's progress.

5) Yacht traffic update: Chair McVay advised the commissioners on incidents that occurred where vessels did not board a state pilot. He stated that there was some confusion with the criteria required in state law regarding yachts. This topic will be on the agenda at the next NY Pilot Commission meeting.

III. NEW BUSINESS:

1) Commission meeting schedule changes: The November 1 meeting date is tentative. Changes in the schedule will be announced at a

later date.

IV. EXECUTIVE SESSION:

No executive session.

V. PUBLIC COMMENTS:

No public comments.

VI. ADJOURNMENT:

The meeting adjourned at 11:22 a.m.

VII. NEXT SCHEDULED MEETING:

The RI Pilot Commission plans to hold the next regular monthly meeting in the conference room of the Division of Law Enforcement at DEM headquarters located at 235 Promenade Street, Rm. 250, Providence, RI on Thursday, October 4, 2012 starting at approximately 9:30am.